APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,766	08/03/2001	Philippe R. Morin	9432-000141	8751

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
LERNER, MARTIN

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/921,766	MORIN ET AL.
	Examiner	Art Unit
	Martin Lerner	2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

    (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: *See Continuation Sheet.*

3. ☒ Applicant's reply has overcome the following rejection(s): <u>See Continuation Sheet</u>.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

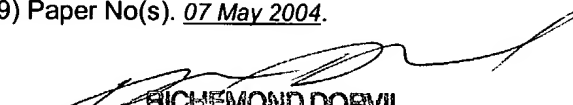   The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1, 2, 4 to 14, and 16 to 22*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☒ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). <u>07 May 2004</u>.

10. ☐ Other: _____

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

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U.S. Patent and Trademark Office
PTOL-303 (Rev. 11-03)   Advisory Action   Part of Paper No. 072004

Continuation of 2. NOTE:

Applicants' arguments are not persuasive that the addition to independent claims 1 and 10 of the word "necessarily" serves to distinguish over Takebayashi et al.

Firstly, the term "necessarily" raises new issues as to indefiniteness under 35 U.S.C. 112, Second Paragraph, as there are examples provided in the Specification where the audio feedback does not necessarily reflect the spotted words. Examples are dialogue turns 2, 5, 8, and 9, on Pages 14 to 15 of the Specification, where the confirmation message does not echo commands for "delete all", "correction", "repeat", and "send". Instead, a corresponding jingle is played, or the reply is a repetition of a prior utterance, or a response is "searching database". Also, in dialogue turn 4, the confirmation message misrecognizes the user input, and the audio feedback does not necessarily reflect the spotted words in the input utterance because the input utterance is misrecognized. Thus, the scope and definiteness of "necessarily" is not clear.

Moreover, there are at least some instances where the audio feedback "necessarily" reflects the spotted words in Takebayashi et al. The claims do not expressly say the feedback reflects the spotted words "in every case". The issue of the sense in which the feedback in Takebayashi et al. may be construed to "necessarily" reflect the spotted words in the input utterance raises new issues and requires further consideration.

Finally, new claims 23 to 26 contain subject matter raising new issues, requiring further search and consideration.

Continuation of 3. NOTE:

Applicants' reply has overcome the following rejection:
Applicants' arguments are persuasive with respect to the new matter rejection under 35 U.S.C. 112, First Paragraph.

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